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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,953	03/28/2001	Paul Alan Stirpe	03433.00003	9620

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EXAMINER

SMITH, TRACI L

ART UNIT PAPER NUMBER

3629

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/818,953	STIRPE ET AL.	
	Examiner	Art Unit	
	Traci L. Smith	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to papers filed on February 3, 2006.

Claims 63-67 have been added.

Claims 1-17 and 19-67 are pending.

Claims 1-17 and 19-67 are rejected.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 3, 2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1—17, 19-23, 25-50, 52-53, 55-58 and 60-62 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,151,584 Papierniak et al.
4. As to claims 1, 19, 31, 40-41, 47, 52, and 57 a system and method providing personalized content to a user comprising of storage, categorizing and grouped according to relatedness and analysis of data. ***Papierniak et al. Discloses a method of capture with enhanced analysis techniques to exploit vast information through uses of the web...results allow better (statistical) decisions.*** (C.3 l. 20-25)
5. As to claims 2-4, ***the data in the warehouse...usually subject-oriented such as customer, product, activity.*** (C. 14 l. 55-58)
6. As to claims 5, 28 and 37 ***formatted file library provides the intermediate classifications such as process characterizations, customer preferences, preference determination and behavior patterns.*** (C. 18 l. 45-48)
7. As to claims 6, 32-33, 43, 49 and 56, ***websmart is intend to provide the best possible knowledge for customers.*** (C.18 l. 6-7)
8. As to claims 7, 9-10, 26-27 and 35-36 ***a display for displaying information to a computer user.*** (C. 10 l. 45-46, Fig. 4 Ref. 12)
9. As to claims 8, 25, 34, 42, 48, 55 and 58, ***involves parsing, categorizing, indexing and formatting the collected data and classifications based on preference determination used in a the technical process.*** (C. 13 l. 17-18 and C. 18 l. 47-50)
10. As to claims 11, 29 and 38 ***to collect data which indicates where a user has been in prior sessions.*** (C. 2 l. 65-66)

11. As to claim 12, **Source data** (Sheet 13 Fig. 13, bottom left corner)
12. As to claim 13 **visitor profile data...depends on how much information the visited applications can entice the visitor to provide.** (C. 15l. 47-49)
13. As to claim 14, **data mining tools enable the present invention to discover hidden knowledge from existing data and information.** (18 l, 65-67)
14. As to claim 15, **wherein the multiple client browsers or clients are capable of accessing a server or web server storing information.** (C.26 l.49-50)
15. As to claims 16 and 17 **results used by user for decisions(C. 3 l. 24-27) and results given to businesses about their customers to gain insight.**(C. 3l. 36-40).
16. As to claim 20 **providing customers with recommendations from information that was analyzed in clustering or artificial intelligence.**(C. 13 l. 27-29)
17. As to claims 30, 39, 50 and 53, **web warehouse is preferably time-stamped and associated with a defined period...subject oriented such as customer, product, activity and characterizing resources based on different criteria.** (C14. 56-61 and C. 16 l.35-45)
18. As to claims 21-23 **metadata defines the data views necessary to produce the outputs required for decision support.** (C. 15 l. 54-56)
19. As to claims 44-46, as best understood by the examiner, **deletion of data in the web warehouse in an appropriate time.** (C. 15 l. 65-67)
20. As to claims 60-61 Papierniak teaches **a display for displaying information to a computer user.** (C. 10 l. 45-46, Fig. 4 Ref. 12). Although Papierniak does not explicitly teach they information displayed as articles and advertisement these

differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed regardless of the type of information presented. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see in re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 44(Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ 2d 1031(Fed. Cir.

21. As to claims 62 a system and method providing personalized content to a user comprising of storage, categorizing and grouped according to relatedness and analysis of data. ***Papierniak et al. Discloses a method of capture with enhanced analysis techniques to exploit vast information through uses of the web...results allow better (statistical) decisions.*** (C.3 l. 20-25) , ***websmart is intend to provide the best possible knowledge for customers.*** (C.18 l. 6-7) ***a display for displaying information to a computer user.*** (C. 10 l. 45-46, Fig. 4 Ref. 12) ***involves parsing, categorizing, indexing and formatting the collected data.*** (C. 13 l. 17-18)
22. As to claims 63-67 ***identifies many relationships and different levels of relationships between data.***(C. 16 l. 34-40 and Fig. 15-Fig. 16)

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 24, 51, 54 and rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak et al as applied to claim 1-15, 18-19, 21-23, 25-50, 52-53 and 55-58 above, and further in view of Financialengines.com(any linkage Oct. 12, 1999).

25. As to Claim 24, Papierniak fails to teach a display method for the of what the gathered information means. Financialengines.com teaches ***how your decisions and advisor fund recommendations affect your future.***(P. 7 l. 4-7) See also Pg. 6 Fig. 2. It would have been obvious to one skilled in the art to incorporate the display method of financialengines.com to allow to the customer to see where they fit into the financial picture.

26. As to claims 51, 54 and 59, Papierniak fails to teach comparison method, financialengines.com teaches a ***retirement income projection is compared to your goal on a scenario by scenario basis.*** (Pg. 17 l.6-7) It would have been obvious to one skilled in the art to incorporate the teachings of comparison into Papierniak so as to allow the customer the ability to make an accurate decision of one product over another. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak et al as applied to claims 1-15, 18-19, 21-23, 25-50, 52-53 and 55-58 above, and further in view of Medscape.com(retrieved 7/9/04 any linkage February 29, 2000).

Response to Arguments

27. Applicant's arguments filed February 3, 2006 have been fully considered but they are not persuasive.

28. As applicants arguments that the reference fails to teach the "ontology" and that examiners interpretation of a groupings according to connect is not equivalent to

applicants use of ontology. However, applicant points to Pg. 7 I.22-24 in which it states structured representations of knowledge...typically captured and represented in a tree". Examiner notes applicant is not positively claiming how the ontology is "represented" nor does a "typical" representation rule out use of an equivalent structure. Examiner further notes when continuing on in the above noted section of the specification it states "vocabularies and taxonomies are often used synonymously with the term ontology...Taxonomies typically define a classification of items." Therefore, the references teaching of groupings is an equivalent identification of relationships of data. The examiner also notes Papierniak teaches data in input into various areas including "decision support taxonomy" in C. 19 I. 63-65. Additionally applicants attention is drawn to Fig. 17 "web_target_area" in which it teaches "directories to create site maps for each server and a taxonomy of application categories."

29. As to applicants arguments that Papierniak fails to teach nodes that represent a plurality of relationships. Examiner notes Fig. 15 identifies multiple options in which information can be related.

30. As to applicants arguments that Papierniak fails to teach "tagging" of data. Examiner maintains that applicant fails to clearly define in arguments how applicants idea of tagging is different that Examiners interpretation of a tag representing a identification of a data. Applicant identifies tags as labels in the disclosure on Pg 15 paragraph 63, and a label is merely an identifier.

31. As to applicants arguments that Papierniak fails to teach the inferencing engine outputs a list of weighted nodes. First the examiner notes where the nodes are output,

therefore, not being limited when information is formatted in the "filed library" and the data is classified according to preferences this reads on a weighted node.

32. As to applicants arguments against the rejection under 35 USC 103(a) examiner notes applicant does not argue combination of references therefore are deemed to be in proper combination. Applicant merely argues that because applicant believes the primary reference does not teach the limitation as rejected under 35 USC 102 the combination therefore does not teach the rejected claims for that purpose. However, as examiner disagrees with applicants arguments regarding the rejection of the claims under 35 USC 102 the examiner further disagrees with arguments directed towards the combination rejection and maintains rejection as stated.

Conclusion

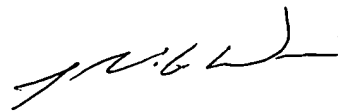
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLS



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